

1                                   A bill to be entitled  
2       An act relating to the judicial branch; amending s.  
3       27.51, F.S.; realigning the appellate public defender  
4       jurisdictions; amending s. 27.511, F.S.; revising the  
5       number of offices of criminal conflict and civil  
6       regional counsel; amending s. 27.53, F.S.; revising  
7       the number of offices of criminal conflict and civil  
8       regional council; amending s. 29.001, F.S.; revising  
9       the number of offices of criminal conflict and civil  
10      regional council; amending s. 34.022, F.S.; adding one  
11      additional county court judgeship in Lake County;  
12      amending s. 35.01, F.S.; creating a new district court  
13      of appeal; amending s. 35.02, F.S.; realigning the  
14      First Appellate District; amending s. 35.03, F.S.;  
15      realigning the Second Appellate District; amending s.  
16      35.043, F.S.; realigning the Fifth Appellate District;  
17      creating s. 35.044, F.S.; creating a Sixth Appellate  
18      District; amending s. 35.05, F.S.; providing for a  
19      headquarters for the Sixth Appellate District;  
20      amending s. 35.06, F.S.; reorganizing the district  
21      courts of appeal; providing that no vacancy in office  
22      shall occur by reason of the realignment of the  
23      district courts of appeal; providing for reallocation  
24      of judges residing within a new district; amending s.  
25      43.291, F.S.; effectuating the changes in judicial

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26        nominating commissions as necessitated by the creation  
27        of the Sixth District Court of Appeal; providing an  
28        effective date.

29  
30    Be It Enacted by the Legislature of the State of Florida:

31  
32        Section 1. Paragraph (f) is added to subsection (4) of  
33        section 27.51, Florida Statutes, to read:

34        27.51 Duties of public defender.—

35        (4) The public defender for the judicial circuit specified  
36        in this subsection shall, after the record on appeal is  
37        transmitted to the appellate court by the office of the public  
38        defender which handled the trial and if requested by any public  
39        defender within the indicated appellate district, handle all  
40        circuit court and county court appeals within the state courts  
41        system and any authorized appeals to the federal courts required  
42        of the official making such request:

43        (f) Public defender of the sixth judicial circuit, on  
44        behalf of any public defender within the district comprising the  
45        Sixth District Court of Appeal.

46        Section 2. Subsections (1), (2), and (3) of section  
47        27.511, Florida Statutes, are amended to read:

48        27.511 Offices of criminal conflict and civil regional  
49        counsel; legislative intent; qualifications; appointment;  
50        duties.—

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(1) It is the intent of the Legislature to provide adequate representation to persons entitled to court-appointed counsel under the Federal or State Constitution or as authorized by general law. It is the further intent of the Legislature to provide adequate representation in a fiscally sound manner, while safeguarding constitutional principles. Therefore, an office of criminal conflict and civil regional counsel is created within the geographic boundaries of each of the six ~~five~~ district courts of appeal. The regional counsel shall be appointed as set forth in subsection (3) for each of the six ~~five~~ regional offices.

(2) Each office of criminal conflict and civil regional counsel shall be assigned to the Justice Administrative Commission for administrative purposes. The commission shall provide administrative support and service to the offices to the extent requested by each regional counsel within the available resources of the commission. The regional counsel and the offices are not subject to control, supervision, or direction by the commission in the performance of their duties, but the employees of the offices shall be governed by the classification plan and the salary and benefits plan for the commission.

(3)(a) Each regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar. Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. The

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76 Supreme Court Judicial Nominating Commission, in addition to the  
77 current regional counsel, shall recommend to the Governor not  
78 fewer than two or more than five additional qualified candidates  
79 for appointment to each of the six ~~five~~ regional counsel  
80 positions. The Governor shall appoint the regional counsel for  
81 the six ~~five~~ regions from among the recommendations, or, if it  
82 is in the best interest of the fair administration of justice,  
83 the Governor may reject the nominations and request that the  
84 Supreme Court Judicial Nominating Commission submit three new  
85 nominees. The regional counsel shall be appointed to a term of 4  
86 years, the term beginning on October 1, 2015. Vacancies shall be  
87 filled in the manner provided in paragraph (b).

88       (b) If for any reason a regional counsel is unable to  
89 complete a full term in office, the Governor may immediately  
90 appoint an interim regional counsel who meets the qualifications  
91 to be a regional counsel to serve as regional counsel for that  
92 district until a new regional counsel is appointed in the manner  
93 provided in paragraph (a). The Florida Supreme Court Judicial  
94 Nominating Commission shall provide the Governor with a list of  
95 nominees for appointment within 6 months after the date of the  
96 vacancy. A temporary vacancy in office does not affect the  
97 validity of any matters or activities of the office of regional  
98 counsel.

99       Section 3. Subsection (4) of section 27.53, Florida  
100 Statutes, is amended to read:

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101           27.53 Appointment of assistants and other staff; method of  
102 payment.—

103           (4) The six ~~five~~ criminal conflict and civil regional  
104 counsel may employ and establish, in the numbers authorized by  
105 the General Appropriations Act, assistant regional counsel and  
106 other staff and personnel in each judicial district pursuant to  
107 s. 29.006, who shall be paid from funds appropriated for that  
108 purpose. Notwithstanding s. 790.01, s. 790.02, or s.  
109 790.25(2) (a), an investigator employed by an office of criminal  
110 conflict and civil regional counsel, while actually carrying out  
111 official duties, is authorized to carry concealed weapons if the  
112 investigator complies with s. 790.25(3) (o). However, such  
113 investigators are not eligible for membership in the Special  
114 Risk Class of the Florida Retirement System. The six ~~five~~  
115 regional counsel shall jointly develop recommended modifications  
116 to the classification plan and the salary and benefits plan for  
117 the Justice Administrative Commission. The recommendations shall  
118 be submitted to the commission, the office of the President of  
119 the Senate, and the office of the Speaker of the House of  
120 Representatives before January 1 of each year. Such  
121 recommendations shall be developed in accordance with policies  
122 and procedures of the Executive Office of the Governor  
123 established in s. 216.181. Each assistant regional counsel  
124 appointed by the regional counsel under this section shall serve  
125 at the pleasure of the regional counsel. Each investigator

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employed by the regional counsel shall have full authority to serve any witness subpoena or court order issued by any court or judge in a criminal case in which the regional counsel has been appointed to represent the accused.

Section 4. Subsection (1) of section 29.001, Florida Statutes, is amended to read:

29.001 State courts system elements and definitions.—

(1) For the purpose of implementing s. 14, Art. V of the State Constitution, the state courts system is defined to include the enumerated elements of the Supreme Court, district courts of appeal, circuit courts, county courts, and certain supports thereto. The offices of public defenders and state attorneys are defined to include the enumerated elements of the 20 state attorneys' offices and the enumerated elements of the 20 public defenders' offices and six ~~five~~ offices of criminal conflict and civil regional counsel. Court-appointed counsel are defined to include the enumerated elements for counsel appointed to ensure due process in criminal and civil proceedings in accordance with state and federal constitutional guarantees. Funding for the state courts system, the state attorneys' offices, the public defenders' offices, the offices of criminal conflict and civil regional counsel, and other court-appointed counsel shall be provided from state revenues appropriated by general law.

Section 5. Subsection (34) of section 34.022, Florida

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151 Statutes, is amended to read:

152       34.022 Number of county court judges for each county.—The  
153 number of county court judges in each county shall be as  
154 follows:

155	COUNTY	TOTAL
156	(34) Lake.....	<u>43</u>

157       Section 6. Section 35.01, Florida Statutes, is amended to  
158 read:

159       35.01 District courts of appeal; districts.— Six ~~Five~~  
160 district courts of appeal are created, and the state is divided  
161 into six ~~five~~ appellate districts of contiguous circuits.

162       Section 7. Section 35.02, Florida Statutes, is amended to  
163 read:

164       35.02 First Appellate District.—The First Appellate  
165 District is composed of the First, Second, Third, ~~Fourth~~,  
166 Eighth, and Fourteenth Judicial Circuits.

167       Section 8. Section 35.03, Florida Statutes, is amended to  
168 read:

169       35.03 Second Appellate District.—The Second Appellate  
170 District is composed of the ~~Sixth~~, Ninth, Tenth, ~~Twelfth~~,  
171 ~~Thirteenth~~, and Twentieth Judicial Circuits.

172       Section 9. Section 35.043, Florida Statutes, is amended to  
173 read:

174       35.043 Fifth Appellate District.—The Fifth Appellate  
175 District is composed of the Fourth, Fifth, Seventh, ~~Ninth~~, and

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176 Eighteenth Judicial Circuits.

177       Section 10.   Section 35.044, Florida Statutes, is created  
178 to read:

179       35.044 Sixth Appellate District.— The Sixth Appellate  
180 District is composed of the Sixth, Twelfth, and Thirteenth  
181 Judicial Circuits.

182       Section 11.   Subsection (1) of section 35.05, Florida  
183 Statutes, is amended to read:

184       35.05 Headquarters.—

185       (1) The headquarters of the First Appellate District shall  
186 be in the Second Judicial Circuit, Tallahassee, Leon County; of  
187 the Second Appellate District in the Tenth Judicial Circuit,  
188 Lakeland, Polk County; of the Third Appellate District in the  
189 Eleventh Judicial Circuit, Miami-Dade County; of the Fourth  
190 Appellate District in the Fifteenth Judicial Circuit, Palm Beach  
191 County; of and the Fifth Appellate District in the Seventh  
192 Judicial Circuit, Daytona Beach, Volusia County; and of the  
193 Sixth Appellate District in the Sixth Judicial Circuit, Pinellas  
194 County.

195       Section 12.   Section 35.06, Florida Statutes, is amended to  
196 read:

197       35.06 Organization of district courts of appeal.—A  
198 district court of appeal shall be organized in each of the six  
199 ~~five~~ appellate districts to be named District Court of Appeal,  
200 .... District. The number of judges of each district court of



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201 appeal shall be as follows:

202 (1) In the first district there shall be 13 ~~15~~ judges.

203 (2) In the second district there shall be 9 ~~16~~ judges.

204 (3) In the third district there shall be 10 judges.

205 (4) In the fourth district there shall be 12 judges.

206 (5) In the fifth district there shall be 12 ~~11~~ judges.

207 (6) In the sixth district there shall be 15 judges.

208 Section 13. No judicial vacancy may be deemed to occur as  
209 a result of the addition of a sixth appellate district or  
210 district realignment under this act. A current district court of  
211 appeal judge residing in a county, the district of which is  
212 realigned under this act, shall be a district court of appeal  
213 judge of the new district where he or she resides upon the  
214 effective date of this act.

215 Section 14. Subsection (8) is added to section 43.291,  
216 Florida Statutes, to read:

217 43.291 Judicial nominating commissions.—

218 (8) To effectuate the changes in judicial nominating  
219 commissions necessitated by the creation of the Sixth District  
220 Court of Appeal, each current member of the first, second, and  
221 fifth judicial nominating commissions shall continue to serve  
222 the same term of office, but the member's seat is transferred to  
223 the nominating commission for the district in which he or she  
224 resides.

225 Section 15. This act shall take effect July 1, 2022.